IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

FIRST APPEAL NO. 521 OF 1991

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders
	None for the Appellant. Mr. G.S.Hiranandani i/by Mr. C.G. Gavnekar for Respondent No.2. **CORAM: S.B.DESHMUKH, J.** **DATE : 21ST AUGUST,2006** **P.C.:** It seems that the respondent no.1, in this appeal, the State Bank of India, had filed Special Civil Suit No. 41 of 1987 for recovery of the amount of Rs.1,54,271.15 ps. and in that suit one Mr. Naushad Abdul Rahman Isane, who is respondent no.2 in this appeal and one Mr. Rashid Gafoor Isane, who is the appellant herein, were the defendants. The learned Civil Judge, Senior Division, Raigad, decreed the suit by the judgment and decree dated 1st August,

1990. This judgment and decree, passed in Special Civil Suit No.41 of 1987, was challenged by filing the First Appeal No. 521 of 1991 i.e. the present appeal, in this Court.

2. In view of the judgment of this Court (Coram: J. A. Patil, J.) delivered in First appeal No. 411 of 1983, this appeal, needs to be transferred to the learned District Court at Alibag.

3. This Court (Coram: A. S. Oka, J.) by order passed on 24th March, 2006, directed issuance of court service notice to the appellant. Despite service, the appellant did not appear in this Court.

4. In view of the judgment of this Court, referred to above, and in view of the fact that the appeal involved a claim of Rs.1,54,271.15 ps., this appeal needs to be transferred to the Court of the learned District Judge, Alibag, for disposal according to law.

5. In this view of the matter, the Registry is directed to transfer this First Appeal No.521 of 1991, to the learned District Judge at Alibag for disposal, according to law.

6. If, the records and proceedings are called for and is with the Registry of this Court, the Registry is directed to remit the said records and proceedings to the learned District Judge at Alibag, immediately.

7. Appeal, accordingly, stands transferred.

Sd/-

(S.B.DESHMUKH, J.)